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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,937	09/20/2005	Massimiliano Ubertini	P70849US0	6041

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JACOBSON HOLMAN PLLC
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WASHINGTON, DC 20004

EXAMINER

NGUYEN, JIMMY T

ART UNIT	PAPER NUMBER
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3725

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/549,937	Applicant(s) UBERTINI, MASSIMILIANO	
	Examiner Jimmy T. Nguyen	Art Unit 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/15/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

Receipt is acknowledged of an Information Disclosure Statement (I.D.S.), filed December 15, 2005, which I.D.S. has been placed of record in the file. An initialed, signed and dated copy of the I.D.S. is attached to this Office action.

Specification

The disclosure is objected to because it fails to include section headings.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.

- (1) Field of the Invention.
- (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Appropriate correction is required.

The specification is objected to under 37 CFR 1.71 as not clearly describing the subject matter.

On page 4, the last line to page 5, the first five lines, the specification discloses "when the lever 24 is in operation, i.e. with traction wheel thrust against the main wheel, the gear pairs 30, 32 and 33, 34 are engaged", and the drawing in figure 3 shows the traction wheel 21 is mounted on the same axle 31 with gears 32 and 32 while the gear 33 is slight engaged with gear 34 and the traction wheel 21, the gear 32 are away from the main wheel 18 and the gear 30 respectively. With this arrangement, the Examiner does not see how the traction wheel 21 can thrust against or engaged the main wheel 18 with the interference of the gear 33 being already in contacted with the gear 34, which prevent the movement of the axle 31 and the wheel 21 towards the wheel 18.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claim 1, lines 8-10 and claim 4, see similar discussion in the objection to the specification under 37 CFR 1.71 as set forth above with regard to an enablement of the engagement between the auxiliary traction wheel 21 against the main wheel 18.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, line 10, there is insufficient antecedent basis for the limitation “the input zone” in the claim.

Regarding claim 1, line 14, there is insufficient antecedent basis for the limitation “the first” in the claim.

Regarding claim 5, line 2, there is insufficient antecedent basis for the limitation “the first pair” in the claim.

Regarding claim 5, line 4, there is insufficient antecedent basis for the limitation “the teeth” in the claim.

Regarding claim 5, line 5, there is insufficient antecedent basis for the limitation “the teeth” in the claim.

Regarding claim 5, line 5, there is insufficient antecedent basis for the limitation “the second pair” in the claim.

Regarding claim 6, line 2, there is insufficient antecedent basis for the limitation “the lever handling means” in the claim.

Regarding claim 10, line 4, there is insufficient antecedent basis for the limitation “the outlet” in the claim.

Regarding claim 12, line 4, the limitation “the wheel” is not clear because it is unclear of which wheel (i.e. the main wheel, the intermediate auxiliary wheel, ..) the limitation “the wheel” is referring to.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoshino (US 5,651,306).

Hoshino discloses a strapping machine (fig. 1) comprising a strap extension, retrieval and pulling unit (fig. 3) comprises: a powered main wheel (39), wherein a first mechanism causing rotation of the main wheel at a low speed (see “secondly strong tightening at a low speed” in col. 1, lines 52-53) and an auxiliary traction wheel (41) is pressed against the main wheel (col. 2, lines 34-37) to effect pulling of the strap, and a second mechanism causing rotation in both directions of the main wheel at a speed higher than the low speed (see col. 1, lines 50-52) to effect extension and retrieval of the strap while the auxiliary wheel is at a distance from the main wheel (fig. 3); a control device (col. 2, lines 1-4); a lever (57) mounted on the auxiliary pulling wheel (fig. 3) and the lever is movable on command of moving means (58), the auxiliary pulling wheel has a shaft connected to a gear (figs. 3 and 6) for rotating the main wheel (col. 2, lines 34-37). Another auxiliary wheel/intermediate auxiliary wheel (40) which presses the strap against the main wheel (39).

Please note that claims 4-9 and 12 have not been rejected over prior art. However, in view of the issues under 35 USC 112 rejections and the objections to the specification as set forth above, the allowability of the claims can not be determined at this time.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art listed on the attached PTO 892 are cited to show relevant strapping machine having a strap extension and retrieval operations at high speed and a strap pulling operation at low speed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T. Nguyen whose telephone number is (571) 272-4520. The examiner can normally be reached on Monday-Thursday 7:30am-5:00pm with alternating Friday 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272- 4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JTNguyen
March 07, 2007


JIMMY T. NGUYEN
EXAMINER - AU 3725